

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ORDER AND REPORT AND RECOMMENDATION

Because these two lawsuits filed by Plaintiff William Ira Howse, III, seem to involve common questions of law and fact, the Court directed him to show cause why they should not be consolidated under Federal Rule of Civil Procedure 42(a). *See* CV420-056, doc. 6; CV420-057, doc. 6. After he did not respond in either case, the Court entered a Report and Recommendation (“R&R”) recommending dismissal of both cases for his failure to comply with the Court’s Order and his failure to prosecute. *See* CV420-056, doc. 7; CV420-057, doc. 7. Plaintiff subsequently filed objections to the R&R indicating that he may not have received the Court’s initial Order to Show Cause. *See* CV420-056, docs. 8 & 9; CV420-057, docs. 8 & 9. Accordingly, the Court vacated its prior R&R in both cases, and directed Plaintiff to respond the Court’s Order to Show Cause. CV420-056, doc. 10 at 2-3; CV420-057, doc. 10 at 2-3. He responded to that direction in both cases indicating that he “has no objection to the two actions being consolidated into one action contingent upon all facts, defendants, grounds, etc. in the two Complaints being included in the consolidated Complaint.” CV420-056, doc. 11 at 2; CV420-057, doc. 11 at 2.

Under Rule 42(a), “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions[.]” Fed. R. Civ. P. 42(a)(2). Considering the substantial similarity between the cases, and Plaintiff’s consent to consolidation, it is **RECOMMENDED** that these two cases be consolidated. Accordingly, the Clerk is **DIRECTED** to file the Complaint in the later-filed case, *Howse v. Brenton*, CV420-057, doc. 1 (S.D. Ga. Mar. 25, 2020), into the earlier-filed case, *Howse v. Brenton*, CV420-056 (S.D. Ga. Mar. 25, 2020), *nunc pro tunc* to the date of its original filing. It is **RECOMMENDED** that CV420-057 be **DISMISSED**, and that the Plaintiff’s claims remain pending in CV420-056. Plaintiff is **DIRECTED** to file a single Amended Complaint in CV420-056, which will supersede all previously-filed complaints in both cases. The Amended Complaint should include all claims against all parties, and must be filed by November 18, 2022. Failure to file the Amended Complaint by the deadline could result in a recommendation of dismissal. *See* Fed. R. Civ. P. 41(b).

This report and recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court’s Local Rule 72.3. Within 14 days of service, any party may

file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned “Objections to Magistrate Judge’s Report and Recommendations.” Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge’s findings and recommendation pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*, 648 F. App’x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App’x 542, 545 (11th Cir. 2015).

SO ORDERED, REPORTED, AND RECOMMENDED, this 27th day of October, 2022.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA